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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,184	12/16/2003	Ragip Kurceren	944-001.121	5545
4955 7590 05/25/2010 WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN, BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468				
EXAMINER WERNER, DAVID N				
ART UNIT 2621		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/737,184

Applicant(s)

KURCEREN ET AL.

Examiner

David N. Werner

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,8-13, 18,21-23,25,27-29 and 31-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,8-13, 18,21-23,25-27,29 and 31-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action for U.S. Patent Application 10/737,184 is responsive to the Request for Continued Examination filed 2 March 2010, in reply to the Final Rejection of 24 November 2009. Claims 2, 8–13, 18, 21–23, 25, 27–29, and 31–41 are pending. Of those, Claims 33–41 are new.
2. In the previous Office action, Claims 27–32 were rejected under 35 U.S.C. § 112, ¶ 1, as containing new matter. Claims 2–10, 13–19, 21–23, 25, 27–29, and 31 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,802,226 A (*Dischert*) in view of U.S. Patent No. 6,526,099 B1 (*Christopolous*). Claims 11, 12, and 32 were rejected under 35 U.S.C. § 103(a) as obvious over *Dischert* in view of *Christopolous* and in view of U.S. Patent No. 5,477,276 A (*Oguro*).

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2 March 2010 has been entered.

Response to Amendment

4. Applicant's amendments to the claims have been fully considered. The prior art rejections are withdrawn.

Response to Arguments

5. Applicant's arguments filed with respect to the rejections under 35 U.S.C. § 112, ¶ 1 have been fully considered but they are not persuasive. Applicant states that the software program shown in figure 11 and allegedly providing support for the "computer-readable storage medium" may "only be stored or embedded...in a memory". This is incorrect. A computer-readable storage medium may also include such embodiments as a sheet of paper containing a printout of executable code (capable of being read by an OCR-equipped scanner), or a transitory signal. Since Applicant has not provided any guidance as to how the software in figure 11 is stored, it may be assumed to encompass all forms of storage, whether or not they actually have support in the specification. In other words, even if assuming that the software illustrated in figure 11 is stored in a memory, this memory does not provide adequate support for the broader "storage medium" as claimed. Therefore, the claim rejections under 35 U.S.C. § 112, ¶ 1 are maintained.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 27–29, 31, 32, and 41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 27–32 are directed to a "computer-readable storage medium", first claimed as such in the amendment of 09 October 2007. There is inadequate support in the specification for the claimed "computer-readable medium", with the specification only briefly mentioning in pg. 1 a "PC platform", a description of software programs 422 and 424 in pp. 14 and 15, and an illustration of software in figure 11. Although it appears from the *Remarks* that applicant intends the blocks in the drawing to each illustrate a memory embodying a software program, the original disclosure itself captions blocks 422 and 424 as "software", not "memory".

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 2, 8–13, 18, 21–23, 25, 27–29, and 31–41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is apparent from the claims themselves and applicant's remarks on pp. 9–10 that what is claimed is the structure and functionality of the material illustrated in figure

6. Although this is considered novel and non-obvious over the prior art, a close inspection of the claims indicates that they are not sufficiently descriptive of the relation between the various video data structures as intended. Claim 2 is representative. The first step in the method of Claim 2 describes obtaining "motion compensated prediction data from decoded video data". From figure 6, the claimed "motion compensated prediction data" is frame 136, and the "decoded video comprising residual data indicative of decoded quantized transform coefficients" is decoded reconstructed frame 132. This is confirmed in dependent claim 33, which describes the "decoded video data" of claim 2 as "reconstructed video data". However, the second step of claim 2 describes "applying inverse quantization on the decoded quantized transform coefficients for providing a plurality of first transform coefficients". In figure 6, the data shown as undergoing an inverse quantization step is the set of decoded quantized transform coefficients 110, and the claimed "plurality of first transform coefficients" is the set of transform coefficients 120. Therefore, it appears that Claim 2, and the other independent claims, are self-contradictory, since the claimed "decoded video data comprising residual data indicative of decoded quantized transform coefficients" may reasonably be interpreted as either data 110 or data 132.

Claim Rejections - 35 USC § 101

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

11. Claims 27–29, 31, 32, and 41 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 27–29, 31, 32, and 41 are *Beauregard* claims each directed to a "computer-readable storage medium". Current Office policy requires that the word "storage" be deleted from and the phrase "non-transitory" be added to all *Beauregard* claim preambles for the claims not to be considered as implicitly disclosing non-statutory signal embodiments. See "Subject Matter Eligibility of Computer Readable Media", 1351 Off. Gaz. Pat. Office 212 (February 13, 2010).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 5,852,438 A (*Tomizawa*) discloses a video editor in which a video signal may be subjected to fades of multiple colors. U.S. Patent No. 6,625,214 B1 (*Umehara*) discloses an encoder which detects fading within a source video. U.S. Patent Application Publication No. 2003/0133508 A1 (*Ju*) discloses a decoder that allows for cross-fading of multiple decoded videos.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David N. Werner whose telephone number is (571)272-9662. The examiner can normally be reached on Monday-Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. N. W./
Examiner, Art Unit 2621

/Mehrdad Dastouri/
Supervisory Patent Examiner, Art Unit 2621